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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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J. CREW INTERNATIONAL, INC. and J. CREW OPERATING CORP.,	:	
Plaintiffs,	:	No.
-against-	:	ECF Case
F.A.F. INC. and WAL-MART STORES, INC.,	:	
Defendants.	:	

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COMPLAINT

Plaintiffs J. Crew International, Inc. and J. Crew Operating Corp., by and through their undersigned attorneys, Cowan, Liebowitz & Latman, P.C., for their Complaint against Defendants F.A.F. Inc. and Wal-Mart Stores, Inc., allege:

NATURE OF THE ACTION

1. This is a civil action for copyright infringement in violation of the Copyright Act, 17 U.S.C. § 101 *et seq.*

PARTIES

2. Plaintiff J. Crew International, Inc. is a Delaware corporation with offices at 770 Broadway, New York, New York 10003.

3. Plaintiff J. Crew Operating Corp. is a Delaware corporation with offices at 770 Broadway, New York, New York 10003.

4. Plaintiffs J. Crew International, Inc. and J. Crew Operating Corp. are hereinafter referred to as "J. Crew."

5. J. Crew is recognized as one of the leading manufacturers and retailers of apparel and fashion accessories, including jewelry, in the United States, whose products are widely sold and advertised throughout the United States.

6. On information and belief, Defendant F.A.F. Inc. ("F.A.F.") is a corporation organized and existing under the laws of the State of Rhode Island, with a principal place of business at 26 Lark Industrial Drive, Greenville, Rhode Island 02828.

7. On information and belief, F.A.F. is engaged in the business of providing jewelry, fashion accessories, and novelty items to retailers worldwide.

8. On information and belief, Defendant Wal-Mart Stores, Inc. ("Wal-Mart") is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 702 SW 8th Street, Bentonville, Arkansas 72716.

9. On information and belief, Wal-Mart is the one of the world's largest companies, operating several thousand Wal-Mart Supercenters and Discount Stores in the United States, as well as outlets in Canada, Mexico, South America, Europe and Asia. Wal-Mart also markets, sells and distributes goods through its website located at www.walmart.com.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

11. This Court has personal jurisdiction over Defendants because, on information and belief, Defendants, in person or through an agent,

(a) have transacted business, and/or have contracted to supply goods, in New York; and/or

(b) (i) have committed the infringing acts described herein, causing injury to J. Crew in New York, and (ii) expected or should reasonably have expected their infringing acts to have consequences in New York, and (iii) derive substantial revenue from interstate or international commerce.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and (c).

THE J. CREW DESIGNS

13. J. Crew devotes substantial resources to the production of original jewelry designs, which are created by J. Crew's employee designers at considerable expense, to appeal to existing and potential customers in the highly competitive market for jewelry and accessories. J. Crew's jewelry is sold primarily in J. Crew retail and outlet stores and through J. Crew's websites, and the jewelry is not distributed or sold in warehouse stores.

The J. Crew Station Agent Necklace Design

14. In 2012, a member of J. Crew's in-house design team created an original jewelry design (*see* Exhibit A-1) designated as the Station Agent Necklace.

15. J. Crew began to sell and distribute jewelry products embodying the Station Agent Necklace design in April 2013.

16. J. Crew's copyright in the Station Agent Necklace design is registered at the United States Copyright Office under Registration No. VA 1-898-249, with an effective date of December 10, 2013.

The J. Crew Sunshine Necklace Design

17. In 2012, a member of J. Crew's in-house design team created an original jewelry design (*see* Exhibit B-1) designated as the Sunshine Necklace.

18. J. Crew began to sell and distribute jewelry products embodying the Sunshine Necklace design in July 2013.

19. J. Crew's copyright in the Sunshine Necklace design is registered at the United States Copyright Office under Registration No. VA 1-912-565, with an effective date of October 30, 2013.

The J. Crew Casati Small Collar Necklace Design

20. In 2011, a member of J. Crew's in-house design team created an original jewelry design (*see* Exhibit C-1) designated as the Casati Small Collar Necklace.

21. J. Crew began to sell and distribute jewelry products embodying the Casati Small Collar Necklace design in October 2012.

22. J. Crew's copyright in the Casati Small Collar Necklace design is registered at the United States Copyright Office under Registration No. VA 1-881-286, with an effective date of October 30, 2013.

The J. Crew Buz Necklace Design

23. In 2012, a member of J. Crew's in-house design team created an original jewelry design (*see* Exhibit D-1) designated as the Buz Necklace.

24. J. Crew began to sell and distribute jewelry products embodying the Buz Necklace design in August 2013.

25. J. Crew's copyright in the Buz Necklace design is registered at the United States Copyright Office under Registration No. VA 1-912-573, with an effective date of October 30, 2013.

The J. Crew Large Dragonfly Necklace Design

26. In 2012, a member of J. Crew's in-house design team created an original jewelry design (*see* Exhibit E-1) designated as the Large Dragonfly Necklace.

27. J. Crew began to sell and distribute jewelry products embodying the Large Dragonfly Necklace design in July 2013.

28. J. Crew's copyright in the Large Dragonfly Necklace design is registered at the United States Copyright Office under Registration No. VA 1-912-576, with an effective date of October 30, 2013.

The J. Crew Three Station Necklace Design

29. In 2011, a member of J. Crew's in-house design team created an original jewelry design (*see* Exhibit F-1) designated as the Three Station Necklace.

30. J. Crew began to sell and distribute jewelry products embodying the Three Station Necklace design in 2012.

31. J. Crew's copyright in the Three Station Necklace design is registered at the United States Copyright Office under Registration No. VA 1-881-290, with an effective date of October 30, 2013.

DEFENDANTS' INFRINGEMENTS

32. On information and belief, Defendants have promoted, advertised, sold and distributed the following jewelry products bearing designs that are copied from and substantially similar to J. Crew's above-described copyrighted designs (the "J. Crew Jewelry Designs"):

(a) Products designated by Wal-Mart as "Gold-Tone Blue Multi Statement Necklace" and "Gold-Tone Ivory Multi Statement Necklace," embodying a jewelry design that is obviously copied from, and is substantially similar to, the J. Crew Station Necklace design. (*See* Exhibit A-2.)

(b) A product designated by Wal-Mart as "Gold-Tone Marquise Mint Statement Necklace," embodying a jewelry design that is obviously copied from, and is substantially similar to, the J. Crew Sunshine Necklace design. (*See* Exhibit B-2.)

(c) Products designated by Wal-Mart as "Gold Coral Statement Necklace" and "Gold White Statement Necklace," embodying a jewelry design that is obviously copied from, and is substantially similar to, the J. Crew Casati Small Collar Necklace design. (*See* Exhibit C-2.)

(d) A product designated by Wal-Mart as "Gold Blue Statement Necklace," embodying a jewelry design that is obviously copied from, and is substantially similar to, the J. Crew Buz Necklace design. (*See* Exhibit D-2.)

(e) Products designated by Wal-Mart as "Gold Multi Color Statement Necklace" and "Gold Black and Ivory Statement Necklace," embodying a jewelry design that is obviously copied from, and is substantially similar to, the J. Crew Large Dragonfly Necklace design. (*See* Exhibit E-2.)

(f) A product designated by Wal-Mart as "Multi Color Statement Necklace," embodying a jewelry design that is obviously copied from, and is substantially similar to, the J. Crew Three Station Necklace design. (*See* Exhibit F-2.)

33. The acts of Defendants described above were committed without the permission, license or consent of J. Crew.

34. On information and belief, the acts of Defendants described above were committed with knowledge or in reckless disregard of J. Crew's exclusive rights in the J. Crew Jewelry Designs.

**CLAIM FOR RELIEF
(Copyright Infringement)**

35. J. Crew repeats and realleges the assertions contained in paragraphs 1 through 34 above.

36. J. Crew is the author of, and sole proprietor of all right, title and interest in and to the federal copyright in, each of the J. Crew Jewelry Designs. Under 17 U.S.C. § 106, J. Crew has the exclusive right to reproduce, import, distribute, publicly display and prepare derivative works based on the J. Crew Jewelry Designs.

37. As alleged above, Defendants have infringed the copyrights in each of the J. Crew Jewelry Designs by unlawfully importing or causing to be imported, publicly displaying, and promoting, selling and distributing products bearing designs that are copied from, and substantially similar to protected expression in, the J. Crew Jewelry Designs.

38. Defendants' infringements were willful in that they were committed with knowledge or in reckless disregard of J. Crew's exclusive rights in the J. Crew Jewelry Designs.

39. J. Crew is entitled to recover from Defendants its actual damages as well as the profits of Defendants attributable to each of the infringements and not taken into account in

computing actual damages, pursuant to 17 U.S.C. § 504(b); or, at J. Crew's election, an award of statutory damages pursuant to 17 U.S.C. § 504(c) with respect to each of the J. Crew Jewelry Designs infringed by Defendants that meets the requirements of 17 U.S.C. § 412.

40. Pursuant to 17 U.S.C. § 505, J. Crew is also entitled to recover its costs and attorneys' fees from Defendants with respect to each of the J. Crew Jewelry Designs infringed by Defendants that meets the requirements of 17 U.S.C. § 412.

41. As a result of Defendants' copyright infringements, J. Crew has suffered, and will continue to suffer, irreparable injury not fully compensable in monetary damages, and J. Crew is therefore entitled to an injunction enjoining Defendants from engaging in their infringing activities.

WHEREFORE, J. Crew prays that the Court:

1. Find that Defendants have willfully infringed J. Crew's copyrights in the J. Crew Jewelry Designs;

2. Preliminarily and permanently enjoin Defendants, their officers, agents, employees, and related companies, and all persons acting for, with, by, through, or under them, from manufacturing, copying, reproducing, importing, distributing, advertising, promoting, offering for sale or selling products or articles bearing any design identical or substantially similar to any J. Crew Design;

3. Order the impoundment and destruction of the infringing products under 17 U.S.C. § 503;

4. (a) Award to J. Crew, pursuant to 17 U.S.C. § 504(c), its actual damages incurred as a result of Defendants' acts of copyright infringement, and all profits Defendants realized as a result of such unlawful acts, in amounts to be determined at trial; or

(b) In the alternative, with respect to each of the J. Crew Jewelry Designs infringed by Defendants that meet the requirements of 17 U.S.C. § 412, award to J. Crew, at its election, statutory damages pursuant to 17 U.S.C. § 504(c);

5. Award to J. Crew, pursuant to 17 U.S.C. § 505, its costs and attorneys' fees incurred as a result of Defendants' unlawful acts; and

6. Grant such other and further relief as the Court deems necessary and proper under the circumstances.

Dated: New York, New York
October 23, 2015

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

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EXHIBIT A

Exhibit A-1

J. Crew Station Agent Necklace
U.S. Registration No. VA 1-898-249



Exhibit A-2

DefendantsøGold-Tone Blue Multi Statement Necklace



DefendantsøGold-Tone Ivory Multi Statement
Necklace



EXHIBIT B

Exhibit B-1

J. Crew Sunshine Necklace
U.S. Reg. No. VA 1-912-565



Exhibit B-2

DefendantsøGold-Tone Marquise Mint Statement
Necklace



EXHIBIT C

Exhibit C-1

J. Crew Casati Small Collar Necklace
U.S. Registration No. VA 1-881-286



Exhibit C-2

DefendantsøGold Coral Statement Necklace



DefendantsøGold White Statement Necklace



EXHIBIT D

Exhibit D-1

J. Crew Buz Necklace
U.S. Registration No. VA 1-912-573



Exhibit D-2

DefendantsøGold Blue Statement Necklace



EXHIBIT E

Exhibit E-1

J. Crew Large Dragonfly Necklace
U.S. Registration No. VA 1-912-576



Exhibit E-2

DefendantsøGold Multi Color Statement Necklace



DefendantsøGold Black and Ivory Statement Necklace



EXHIBIT F

Exhibit F-1

J. Crew Three Station Necklace
U.S. Registration No.
VA0001881290



Exhibit F-2

DefendantsøMulti Color Statement Necklace

